## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA INDIANAPOLIS DIVISION

TECHNICAL YOUTH, LLC d/b/a EIGHT ELEVEN,	)	
Plaintiff,	)	
v.	)	N 1 10 00074 TWD TAD
KYLE LEPI, ROBERT MOYER, and AGILITY PARTNERS, LLC,	) ) )	No. 1:18-cv-00874-TWP-TAB
Defendants.	)	

## **ENTRY ON JURISDICTION**

It has come to the Court's attention that Defendants' Notice of Removal fails to allege all of the facts necessary to determine whether this Court has subject matter jurisdiction over this case. The Notice of Removal alleges jurisdiction based upon diversity of citizenship. However, the Notice of Removal fails to sufficiently allege the citizenship of the parties. Citizenship is the operative consideration for jurisdictional purposes. *See Meyerson v. Harrah's East Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002) ("residence and citizenship are not synonyms and it is the latter that matters for purposes of the diversity jurisdiction"). "For diversity jurisdiction purposes, the citizenship of an LLC is the citizenship of each of its members." *Thomas v. Guardsmark, LLC*, 487 F.3d 531, 534 (7th Cir. 2007). "Consequently, an LLC's jurisdictional statement must identify the citizenship of each of its members as of the date the complaint or notice of removal was filed, and, if those members have members, the citizenship of those members as well." *Id.* 

The Notice of Removal alleges that "Plaintiff is an Indiana limited liability company with its principal place of business in Indianapolis, Indiana. . . . Defendant Agility Partners, LLC is an

Ohio limited liability company with its principal place of business in Columbus, Ohio; and

Defendants Robert Moyer and Kyle Lepi are residents of the State of Ohio." (Filing No. 1 at 2.)

These allegations of state residency, not citizenship, are not sufficient to allow the Court to

determine whether diversity jurisdiction exists. Furthermore, these jurisdictional allegations do not

establish the citizenship of the LLC parties. Alleging the identity and citizenship of each of the

members of the limited liability companies is necessary for this Court to determine whether it has

jurisdiction.

Therefore, the Defendants are **ORDERED** to file a Supplemental Jurisdictional Statement

that establishes the Court's jurisdiction over this case. This statement should specifically identify

the members of the LLC parties and those members' citizenship. It also should specifically identify

the state citizenship, not residency, of the individual parties. This jurisdictional statement is due

**fourteen (14) days** from the date of this Entry.

SO ORDERED.

Distribution:

Date: 3/26/2018

TANYA WALTON PRATT, JUDGE

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United States District Court Southern District of Indiana

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